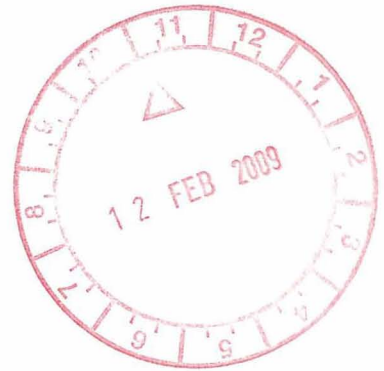


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PUBLIC



SOUTHERN METROPOLITAN REGIONAL COUNCIL



13 February 2009

Hon. Sheila Mills MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council
Harvest Terrace
Perth 6000

Dear Chair

INQUIRY INTO MUNICIPAL WASTE MANAGEMENT IN WA

Waste management is an essential service for the people of Western Australia; as such the South Metropolitan Regional Council (SMRC) would like to thank the Standing Committee on Environment and Public Affairs (the Committee) for undertaking this inquiry and providing The Regional Council with the opportunity to make a submission. Regretfully, the period of time given to prepare a submission has not allowed for a detailed report to be drafted or endorsed by the Regional Council or its Member Councils.

The SMRC is a member of the Forum of Regional Councils (FORC) and the Municipal Waste Advisory Council (MWAC) and endorses the submissions each of these bodies is making to the Committee.

The SMRC is fully prepared to co-operate with the Committee should any further information be required, the Chairman and CEO would be available to attend the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Doug Thompson'.

Cr Doug Thompson
Chairman SMRC



SOUTHERN METROPOLITAN REGIONAL COUNCIL

**SUBMISSION
MUNICIPAL WASTE MANAGEMENT IN
WESTERN AUSTRALIA**

TO

**LEGISLATIVE COUNCIL
ENVIRONMENT AND PUBLIC AFFAIRS
COMMITTEE**

13 FEBRUARY 2009



INQUIRY INTO MUNICIPAL WASTE MANAGEMENT IN WA

Submission from the Southern Metropolitan Regional Council

In accordance with the inquiry's terms of reference we have directed our comments to the following:

- 1) Current municipal waste management practice and methods in Western Australia, and in particular:
 - a) The function effectiveness and efficiency of rural and Metropolitan Regional Councils with respect to the management of waste; and
 - b) The role of the Waste Authority under the Waste Avoidance and Resource Recovery Act 2007 in municipal waste management
- 2) Resource Recovery technologies; and
- 3) Any other relevant matter

EXECUTIVE SUMMARY AND SMRC RECOMMENDATIONS

Waste management is an essential service. Like water and power, waste management and recycling is a utility the community depends on and can not function without. It is vital this be recognised and accepted by State and Local Governments, business and industry, and the community as a whole.

In 2007/08 the SMRC processed 174,761 tonnes of household waste at the Regional Resource Recovery Centre (RRRC) in Canning Vale. Each month the contents of nearly 1 million household wheelie bins are processed at the RRRC. Without this facility there would be no alternative waste processing plants capable of dealing with the community's waste and recycling.

Were the RRRC unable to process the community's waste the result would have grave implications for public health and the environment. Details of the importance of the waste management sector to the community can be found in the report section 1 A&B, details of the performance of the RRRC and the structure of the SMRC can be found in section 2, and 3.

- 1. The SMRC recommends that the waste and recycling sector be recognised as an essential service and given the same consideration, status, and priority as other essential services, such as water and power, utilities on which the community depends.**

Recognising waste management is an essential service, it is important that strategic planning for the sector be given the same importance as regulation.

The SMRC, and Local and Regional Governments across the state, have taken up the *Waste2020: Towards Zero Waste* strategy adopted by the State Government in January 2001. To achieve the goals of the strategy the SMRC and its Member Councils built and operate the RRRRC, a \$100 million integrated alternative waste treatment and recycling facility.

Regional Councils in the metropolitan area are all currently planning or building alternative waste treatment facilities, similar to the RRRRC's waste composting facility, in order to reduce waste to landfill and meet with goals expressed in *Waste 2020: Towards Zero Waste*.

The financial impact of the waste management sector is significant but not commonly recognised by State Government. Local Government in Western Australia currently spends in excess of \$200 million per annum on waste management and recycling.

The efforts of Local Government along with the waste management and recycling industry have resulted in waste management infrastructure which has the capacity to meet the community's current needs; however there is little excess capacity and no redundancy.

The SMRC has developed contingency plans for waste processing and recycling within our region should there be a temporary closure of the RRRRC. However to the best of the Regional Council's knowledge there is no state-wide or metropolitan-wide contingency planning for waste management and recycling.

Currently, waste management strategic planning and regulation are the responsibility of the Department of Environment and Conservation. In the opinion of the SMRC this has lead to an emphasis on regulation at the expense of strategic planning. Policy is currently written with regulatory outcomes in mind rather than strategic goals. Two examples of specific cases when the SMRC believes there has been a conflict of interest between strategic planning and regulation of the waste sector are summarised in section 3 of the report.

2. The SMRC recommends that waste management planning and policy development should be the responsibility of an independent office, providing support to the Waste Authority, and strategic planning for waste management should be the portfolio of a Minister responsible for industry, planning or state development, reflecting the importance of the sector to the community .

With recognition of waste management as an essential service and a Ministerial and government department structure in place giving equal emphasis to strategic planning and regulation, a critical first task would be to review and re-endorse *Waste2020: Towards Zero Waste*.

Adopted by the Government of the day in January 2001, *Waste 2020: Towards Zero Waste* became the State's strategy for minimising waste to landfill through waste prevention, and resource recovery (alternative waste treatment and recycling). The SMRC, along with other Regional and Local Councils, took up the strategy and adopted it locally.

Eight years later, Regional and Local Councils are operating alternative waste treatment facilities, such as the RRRRC, or developing facilities to reduce waste to landfill. The SMRC has also developed strategies for waste prevention with its Climate Wise department, and community programs such as the award winning Living Smart.

To the best to the SMRC's knowledge *Waste 2020: Towards Zero Waste* has never been reviewed since its adoption. Considering alternative waste treatment facilities are now in operation, with more being constructed in the metropolitan area, it is a critical time to review *Waste 2020: Towards Zero Waste*. The SMRC's concerns are detailed in section 1 A&B of the report.

3. The SMRC recommends that *Waste 2020: Towards Zero Waste* be reviewed, and where necessary changed and updated to reflect the current state of alternative waste treatment in Western Australia. Once reviewed, the updated strategy should be endorsed by the State Government.

In conjunction with a review of *Waste 2020: Towards Zero Waste*, a review of the Environmental Protection Act is needed with reference to how regulation effects waste management.

Current structure of DEC, with regulator and strategic planner in the same department, makes development of alternative waste treatment facilities by Local Government difficult at best.

The Environmental Protection Act gives extensive enforcement powers to the DEC, with the Department's current role to set license conditions, issue license, determine compliance or noncompliance, make judgement, and issue penalties. In many cases an enforcement decision by the DEC can only be appealed to the Minister for Environment, who does not have the power to stay an enforcement action taken by the Department, under the current legislation.

Of critical importance to the waste management industry is the lack of well defined and measurable standards for pollution, and unreasonable emissions. There is currently no scientifically measurable standard for unreasonable emissions in Western Australia. This makes managing an alternative waste treatment facility difficult as currently the regulator can take action even when Ministerial conditions are being met by the operator.

With so much power in one department, and few avenues for review or appeal, investing in alternative waste treatment is a risky venture in Western Australia. However, the community's expectation is that recycling continues

waste to landfill is reduced and that Local Government invest in alternative waste treatment infrastructure. The SMRC's concerns with the EP Act as applies to waste management are detailed in section 1 A&B of the report.

- 4. The SMRC recommends that the Environmental Protection Act be reviewed with reference to the needs and goals for waste management and recycling.**

REPORT

- 1. CURRENT MUNICIPAL WASTE MANAGEMENT PRACTICE AND METHODS IN WESTERN AUSTRALIA, AND IN PARTICULAR:**
 - A. THE FUNCTION EFFECTIVENESS AND EFFICIENCY OF RURAL AND METROPOLITAN REGIONAL COUNCILS WITH RESPECT TO THE MANAGEMENT OF WASTE; AND**
 - B. THE ROLE OF THE WASTE AUTHORITY UNDER THE WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007 IN MUNICIPAL WASTE MANAGEMENT**

Local Government in Western Australia currently spends in excess of \$200 million annually on waste management and recycling.

Local Government has to collect municipal waste and organise disposal or recovery/recycling. This has led to many different collection systems, and waste management/ recycling technologies in place in the state. The community benefits from innovation in a variety of alternative waste treatment technologies, however there is also confusion as to what is recycled, and recovery rates vary among local authorities, from 0% to 65-70% diversion from landfill.

The SMRC is a statutory Western Australian Local Government Authority established to plan, develop, coordinate and implement sustainable waste management solutions and greenhouse gas abatement programs with, and for, its seven Member Councils and their communities in the Perth metropolitan area. The SMRC is a Regional Local Government. It was established pursuant to the Local Government Act 1960 on 30 October 1991. By virtue of transitional provisions of the Local Government Act 1995, it is constituted as a Regional Local Government under that Act.

On 22 April 1998 the constitution was replaced by an establishment agreement made between the participants and approved by the Minister for Local Government.

A Regional Local Government has the same general function of a Local Government including its legislative and executive function, except as stated in section 3.66 of the Local Government Act 1995.

The SMRC is comprised of one delegate from each Member Council with equal voting rights, except the Chairman, who may exercise a second vote where the vote is a tie.

Financial contributions to the SMRC provided by its members are controlled by an agreement between the Member Councils. Any request for funds for the RRRC must be ratified by majority vote of the SMRC members.

The Regional Resource Recovery Centre was set up by the SMRC under a project participant's agreement. The Cities of Canning, Cockburn, Fremantle,

Melville and Town of East Fremantle all elected to be a participant in this project. The City of Rockingham and Town of Kwinana did not.

If a participating Member Council elected to withdraw from the RRRC project participants' agreement allows for this possibility. Terms for withdrawal from the project participants' agreement are set out in the agreement which was ratified by all participating Member Councils.

DEC's current role to set license conditions, issue license, determine compliance or noncompliance, make judgement, and issue penalties (all performed by the same department, often by the same officers) while also providing support and assistance to the Waste Authority and taking strategic advice from the Authority. However in practice, the role of regulator has dominated that of strategic planner.

THE REGULATORY REGIME THAT APPLIES TO THE RRRC

The SMRC operates the RRRC pursuant to:

section 45 of the *EP Act*, a Statement that a Proposal may be Implemented by the Minister under the provisions of the *EP Act* published on 30 July 1999 (Implementation Decision); and

a licence issued by the DEC under the *EP Act*¹.

The SMRC is bound to comply with the provisions of the *Environmental Protection Act 1986 (EP Act)*. Despite the public benefit that its operations at the RRRC produce, the SMRC does not receive any concessions under that *Act*. It is treated no differently to an industrial enterprise operating for personal gain.

Section 74A of the *EP Act* provides that it is a defence to proceedings for causing pollution, in respect of an emission, or for causing serious environmental harm or material environmental harm, if the person charged with that offence proves that the pollution, emission or environmental harm occurred in the implementation of a proposal in accordance with an implementation agreement or decision, such as the Implementation Decision.

It is possible that the DEC might impose conditions on the SMRC's licence, or issue notices that may be inconsistent with the Implementation Decision. Recognition of waste management as an essential service may help to prevent this from happening.

IMPEDIMENTS TO ACHIEVING THE OBJECTIVES OF THE *WARR Act*

The RRRC was designed in accordance with state of the art technology. It was the first plant in Western Australia to use that technology.

Household rubbish produces odours that cannot be avoided. If that rubbish is not processed at the SMRC, it will have to be processed elsewhere (thereby

¹ The most recent licence issued on 9 October 2008.

moving the problem somewhere else) or buried in landfill (which the *WARR Act* was designed to obviate).

The RRRC was designed to reduce, capture and prevent (as far as is technologically and economically possible) the emission of such odours into the environment.

In response to odour concerns expressed by the DEC, the SMRC engaged Mr Terry Schultz of The Odour Unit to advise it on odour related issues. The SMRC appointed Mr Schultz on the recommendation of the DEC.

Differences of opinion exist between the DEC on the one hand, and the SMRC and The Odour Unit on the other, as to whether odours of any substance emanate from the RRRC, however this submission is not the occasion to debate that issue.

The SMRC contends that it has done all that is technologically and economically possible to prevent and/or mitigate the emission of odours from the RRRC.

If (contrary to the SMRC's position) odours do emanate from the RRRC, the SMRC (having taken the best advice it can obtain, and having acted on that advice) is unable to devise a method that will absolutely guarantee that the RRRC will never again omit an odour that a local resident will find unpleasant.

If (as has been foreshadowed) the DEC requires the SMRC (through the use of the regulatory regime) to cease operating the RRRC unless this can be guaranteed, the SMRC will have no option but to close the RRRC.

A policy decision then arises as to whether, it is in the public interest that a facility that disposes of the household rubbish of over 350,000 residents, and which meets the objectives of the *WARR Act*, should be forced to close because a relatively small number of residents, who live in close proximity to the RRRC have complained of intermittent and short-lived seasonal odours.

The SMRC submits that this is a policy decision that should be made by the State Government, not by the DEC.

In making this decision the Government would no doubt be informed by the likelihood that a decision to close the RRRC in such circumstances would be likely to discourage other Local or Regional Authorities, or the private sector, from constructing facilities similar to the RRRC, thereby defeating the objectives of the *WARR Act*.

'TENSIONS' BETWEEN THE *WARR ACT* AND THE *EP ACT*

The Waste Authority consists of a board of five, chaired by Mr Barry Carbon, a former chair of the EPA. The DEC provides technical and executive support to the Waste Authority. The Director-General of the DEC, or his nominee, usually attend meetings of the Waste Authority, as do other officers of the DEC.

The DEC also provides the Waste Authority with executive and technical assistance.

The SMRC considers that, insofar as waste management is concerned:

the Minister, on advice from the Waste Authority should be solely responsible for the development of strategic policies and their implementation;

the DEC's functions should be confined to regulatory matters (e.g. licensing and enforcement).

Under the existing regime, the SMRC believes that the development of strategic policies is often undertaken with one eye to enforcement issues.

For instance, if it were to be determined that facilities such as the RRRC were essential services, and in the public interest, and that some limited public detriment is unavoidable, it is conceivable that a recommendation might be made to the Minister to amend the EP Act or to recommend an exemption to the Minister, rather than to prosecute the SMRC or impose some licence conditions that could never be met.

While such an approach may be consistent with the objectives of the WARR Act, is unlikely to occur while the body charged with the formulation of policy is also charged with the enforcement of the EP Act.

ADDITIONAL PROBLEMS WITH THE CURRENT REGIME

- **Reports obtained by the DEC**

From time to time in the execution of its functions, the DEC will obtain expert reports which it will rely upon when formulating a response to a specific issue.

In the interests of procedural fairness, the SMRC submits that where such reports make adverse 'findings' to a person or entity, they should be invited to comment on it before it is released to the public.

By way of example, in October 2008, the DEC released to the public a report which concluded that unreasonable odours had emanated, and were still emanating from the RRRC. The SMRC was not afforded the opportunity to comment on that report before it was released, even though the SMRC had been led to believe that it would.

- **Minister's lack of power to grant a stay**

As it presently stands, the DEC could, via the regulatory regime, require the SMRC to cease accepting refuse at the RRRC, or to require the SMRC to undertake specified remedial works to the SMRC.

Pursuant to section 105 of the *Act*, the SMRC could lodge an appeal from such requirements, *but* such an appeal does not relieve the SMRC of its obligation to comply with those requirements, in the interim. Further, the Minister does not have the power to issue a stay in relation to those requirements until the appeal has been determined.

This means that the SMRC may be forced to cease accepting refuse, or expend significant sums of money, even though the Minister may ultimately determine that those requirements ought never to have been imposed.

In such circumstances, the SMRC submits that the Minister ought to have the power to grant a stay pending the outcome of an appeal

- **DEC's powers to require the production of documents**

Pursuant to section 90 of the *EP Act* an inspector may require the SMRC to produce:

- (i) any books or other sources of information relating to that emission or to any manufacturing, industrial or trade processes carried on at those premises; or
- (ii) any data from any monitoring equipment or monitoring programme in respect of that emission

This provision places the SMRC in an invidious position in that if it were to conduct tests or surveys, the DEC could call for the production of the results, which it may ultimately seek to use in a prosecution.

This is to be contrasted with the position in New South Wales (under Chapter 6, Part 6.3 the *Protection of the Environment Operations Act 1997 (NSW)*) which protect from production documents that were produced for the sole purpose of conducting a voluntary environment audit.

The SMRC submits that such a provision should be incorporated into the *EP Act* and that any tests or surveys undertaken by it to improve its processes, as opposed to responding to odour complaints from the DEC or residents, ought not to be available to the DEC.

- **Defences currently available**

- Section 74*

Pursuant to section 74 of the *EP Act* it is a defence to proceedings for a tier 1 offence if the person charged with that offence proves that:

the person took reasonable precautions and exercised due diligence to prevent the commission of the offence; and

as soon as was reasonably practicable after the occurrence that gave rise to the charge the person notified particulars of the occurrence in writing to the CEO.

A tier 1 offence includes a breach of:

section 49(2): intentionally or with criminal negligence causing or allowing pollution to be caused;

section 49(3): causing or allowing pollution to be caused;

section 49(4): intentionally or with criminal negligence emitting or causing an unreasonable emission from any premises;

but does not include:

section 49(5): emitting or causing an unreasonable emission from any premises.

The SMRC submits that there is no valid reason why the section 74 defence should not be available in the circumstances set out in section 49(5).

2. RESOURCE RECOVERY TECHNOLOGIES

THE DEVELOPMENT OF THE RRRC

During 1999 the SMRC submitted a proposal to the Minister to construct and operate a Regional Resource Recovery Centre (RRRC) in Canning Vale Western Australia.

In June 1999 the Environmental Protection Authority (EPA) recommended that the Minister approve the proposal and advised that:

'[t]he proposal represents a significant step towards the achievement of the State Government's goal of "reducing the amount of waste disposal to landfill by 50%" and commends the [SMRC] on its proactive approach to waste management.'

Thereafter the SMRC constructed the RRRC and it would cost in excess of \$100,000,000 to replace it.

The SMRC operated the Regional Resource Recovery Centre in Canning Vale, an integrated waste management and recycling facility built and operated by the SMRC, currently valued at over \$100 million. The SMRC is a statutory local government authority made up of the councils of Canning, Cockburn, Fremantle, Melville, Rockingham, Kwinana and East Fremantle.

The RRRC is located at Bannister Road in Canning Vale. The RRRC consists of three facilities:

- **The Waste Composting Facility (WCF)** which turns general household waste into compost for agricultural use
- **The Materials Recovery Facility (MRF)** which separates materials for recycling and
- **The Green Waste Processing Facility** which turns green waste into mulch and soil conditioners for parks, road verges and farms.

These facilities are subject to stringent Government approvals processes and operate under a number of Departmental licences. The RRRC site forms part of a large industrial zone in Canning Vale.

The RRRC processes waste from over 350,000 residents in the region.

The waste composting, green waste processing and materials recovery facilities prevent approximately 340,000 tonnes of CO₂ from entering the atmosphere annually.

The waste composting facility alone prevents an average 80,000 tonnes of greenhouse gases entering the atmosphere each year. The WCF is eligible to trade its carbon credits in accordance with the Australian Greenhouse Office verification procedures and this is another successful part of the plant's operations.

The RRRC annually diverts approximately 150,000 tonnes of rubbish from landfill. Less than 30% of domestic waste goes to landfill sites, 70% is recovered by the three facilities at the RRRC and converted into compost, mulch or separated and delivered to manufacturers for recycling. Ongoing research and development by the SMRC aims to reduce the amount of material to landfill even further.

Within the waste and recycling industry and local government, the Regional Resource Recovery Centre is considered among the best alternative waste treatment facilities in Australia. In recognition of this achievement, the SMRC:

was the 2007 winner of the Greenhouse Challenge Plus Award (presented by the Federal Department of Climate Change); and

in November 2008 was rated as one of only five 'outstanding' performers in Australia's first independent ranking of carbon offset providers by Carbon Offset Watch, in partnership with Choice magazine.

3. ANY OTHER RELEVANT MATTER

WASTE MANAGEMENT AND PLANNING

It is the SMRC's position that waste management has slipped "between the cracks" when it comes to planning and development of residential areas. Currently the West Australian Planning Commission is obliged to consult with relevant bodies when approving planning schemes. This consultation includes essential service providers such as the Water Corp., Alinta Gas, and the relevant Local Authority. Currently neither Regional Councils nor the Waste Authority are consulted by the WAPC.

In the past the Local Authority would have been directly responsible for residential waste management, however increasingly Local Councils are joining Regional Councils for the purpose of waste management. While there is no policy preventing the WAPC from consulting the relevant Regional Authority, nor is there anything preventing a Local Authority referring an

invitation to make a submission onto the appropriate Regional Council, in practice Regional Councils are not consulted on planning issues.

The Waste Authority would be the body best placed to inform the WAPC on strategic issues surrounding waste management. As is the case with Regional Councils, there is no policy preventing the Waste Authority from being consulted, it is simply the case that this does not happen.

If waste management is recognised as an essential service the need to consult the Waste Authority and the relevant Regional Council when considering planning schemes would be clear, for both the WAPC and Local Governments.

MSW COMPOST TRIAL AND DRAFT GUIDELINES

The SMRC's compost marketing trial and the DEC's development of draft guidelines for the use of compost provide an example of the conflict between strategic planning and regulation within the Department. This is not the fault of the DEC's officers; rather the current structure places the Department in an unenviable position.

Between 2004 and 2006, the SMRC conducted the compost market development program, funded to the tune of \$800,000 by the State Government from the State recycling and landfill levy fund. It is still the largest study into compost derived from municipal waste ever undertaken in Australia, and represented a significant strategic step forward by both Local and State Government for waste management.

The SMRC compost market development program supplied compost made from the southern metropolitan region's municipal household waste to 50 demonstration farms within a 100 to 150 km radius of Perth. The range of crops where compost was applied includes broad-acre crops of wheat, barley, oats, canola and lupins, and pasture. SMRC compost has also been applied to horticultural crops such as olives, pumpkin, grapes, and turf.

Project results indicated improvement in soil and crop performance and provided the SMRC with valuable information for the sale of MSW compost in 2006/07. As the program was State Government funded and supportive of strategic goals for waste management (diverting organic waste from landfill to compost manufacture) the results were made publicly available to better inform both industry and Local Government.

An important outcome from the program was the development by the SMRC of its in-house compost quality assurance program that ensures all compost leaving the RRRC complies with an agreed set of standards. The SMRC compost adheres to the most rigorous aspects of AS4454-2003 the Australian Standard™ for Compost, soil conditioners and mulches, as well as the West Australian Guidelines for Direct Land Application of Biosolids and Biosolids Products February 2002 (Draft). Under these combined guidelines SMRC compost is classified as a grade C2 restricted use compost suitable for application to Urban Landscaping, Horticulture, Agriculture, Forestry and Mine-site rehabilitation purposes. The only exception to compliance with AS

4454 is that the fraction of glass over 2mm not exceeding 0.5% of dry weight is up to a maximum of 1.5%. This product feature is compliant with specific end market requirements. The SMRC is a founding business member of Compost WA a working group of the Waste Management Association of Australia and as such works closely with the soil industry, supplying detailed information on our compost, processes, and fit for purpose standards to our customers.

In 2006/07, at the same time the SMRC tendered for a contractor to interface with the end user market, the DEC released its Organics Strategy Draft for Public Comment. These proposed guidelines effectively singled out compost derived from MSW and proposed that:

Due to the current lack of knowledge about potential contaminants in MSW compost and their impacts, the WMB [Waste Management Branch] believes that, under the Precautionary Principle, MSW compost should be restricted in its use {and} The WMB will develop Standards for the application and use of MSW compost.

While these guidelines were draft only the effect was devastating on the developing market for MSW compost. In effect releasing these draft guidelines undid all the market development work, part funded by the DEC and effectively limited the field of tenderers by introducing uncertainty as to what uses MSW compost would be restricted to and what the to be developed WMB Standards would require in addition to the existing Australian Standard and WA Biosolids Guidelines.

Since the release of the Draft Organics Strategy, to the best of the SMRC's knowledge there has been no further work done on the proposed Standards, by the Waste Management Branch. However the market remains unclear on what the future regulation of MSW compost is.

The release of the Draft Organics Strategy and the subsequent impact on MSW compost marketing highlights the need to separate strategic planning from regulation, as well as the risks inherent when regulation is developed by the regulator.

The SMRC believes the current Australian Standards and biosolids guidelines are more than sufficient to manage risk under the current legal framework, and the creation of another set of standards will only further damage the developing market for MSW compost.

2007 WA ENVIRONMENT AWARDS

The judging in 2007 of the WA Environment Awards resource and waste management category highlights the unenviable position of the DEC in the dual role of strategic planner and regulator.

The WA Environment Awards are an excellent tool for highlighting environmental achievements and fostering innovation in the State. Ideally this should be a program designed for the purpose of promoting strategic goals for the waste and recycling sector as well as other sectors which impact

on the environment. Currently the Awards are administered and judged by the environmental regulator the DEC.

In 2007, there appeared to be a conflict between the recommendations of the judging panel and the executive judging panel, which overruled the recommendations of the judging panel. However this submission is not the occasion to go in to detail about this issue.

CONCLUSIONS

Waste management is an essential service. Waste management is a service which the community depends on, like water and power.

The roles of regulator and strategic planner for the waste and recycling sector must be performed by two separate departments.

The role of strategic planning in waste management needs to be performed by a department with the expertise required for the task. While there are dedicated staff within the DEC's Waste Management Branch, most of the professional expertise in waste and recycling in WA is within Local Government and private sector.

Waste management is a \$200 million per annum industry in Western Australia. The strategic planning, policy development, promotion and innovation for the waste management and recycling sector deserves to be undertaken by a State Government department responsible for industry, either an existing department, such as Industry and Resources, or an independent separate department.

The waste management sector requires a structure where the waste sector comes under a Ministerial portfolio for infrastructure, state development, planning or industry.

The Waste Authority, independent of the DEC, and supported by an independent strategic department, should advise the Minister responsible for the waste management sector.

The Department Environment and Conservation should remain the regulator, and the Minister for Environment continues to be responsible for regulation of the waste and recycling sector.

Once in place, the Waste Authority, the office supporting it, and the Minister the Authority reports to could begin to deal with a number of issues of strategic importance to the waste management sector. These issues include:

- Review of 'Zero Waste 2020'
- Review of legislation covering waste, in particular the Environmental Protection Act.
- Coordinate strategic planning for waste and recycling infrastructure in line with community needs and strategic goals.

The SMRC is fully prepared to co-operate with the Committee should any further information be required.

A handwritten signature in black ink, appearing to read 'D Thompson'.

Cr Doug Thompson
Chairman SMRC

A handwritten signature in black ink, appearing to read 'Stuart McAll'.

Mr. Stuart McAll
CEO, SMRC